

Part 17

Miscellaneous Rules

41-6a-1701 Backing -- When permissible.

- (1) The operator of a vehicle may not back the vehicle unless the movement can be made with safety and without interfering with other traffic.
- (2) The operator of a vehicle may not back the vehicle on a shoulder or roadway of a limited-access roadway.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1702 Sidewalk -- Driving prohibited -- Exception.

- (1) Except for a bicycle or device propelled by human power, a person may not operate a vehicle on a sidewalk or sidewalk area.
- (2) The provisions of Subsection (1) do not apply on a driveway.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1703 Prohibition as to passenger riding on improper portion of motor vehicle -- Exceptions.

- (1) A person may not ride and a person operating a motor vehicle may not knowingly permit a person to ride on any portion of a vehicle not designed or intended for the use of passengers.
- (2) This provision does not apply to:
 - (a) a vehicle that is not being operated on a highway;
 - (b) an employee engaged in the necessary discharge of the employee's duty; or
 - (c) a person riding within or on a motor vehicle in a space intended for a load on the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1704 Vehicle door -- Prohibited opening.

- (1) A person may not open the door of a motor vehicle on a side available to moving traffic unless it can be done safely and without interfering with the movement of other traffic.
- (2) A person may not leave a door open on a side of a vehicle available to moving traffic for a period of time longer than necessary to load or unload passengers.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1705 Obstruction to driver's view or driving mechanism.

- (1) A person may not operate a vehicle when it is loaded or when there are in the front seat more than three persons that:
 - (a) obstruct the view of the operator to the front or sides of the vehicle;
 - (b) interfere with the operator's control over the driving mechanism of the vehicle.
- (2) A passenger in a vehicle may not ride in a position that interferes with the operator's:
 - (a) view ahead or to the sides; or
 - (b) control over the driving mechanism of the vehicle.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1706 Occupancy of a trailer or semitrailer while being moved on highway prohibited.

- (1) A person may not occupy a trailer or semitrailer while it is being drawn by a motor vehicle on a public highway.
- (2) This section does not apply to a:
 - (a) livestock trailer or livestock semitrailer;
 - (b) trailer or semitrailer being used for participation in a parade; or
 - (c) trailer or semitrailer being used in an agricultural operation.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1707 Entering intersection, crosswalk, or railroad grade -- Sufficient space required.

The operator of a vehicle may not enter an intersection or a marked crosswalk or drive onto any railroad grade crossing unless there is sufficient space on the other side of the intersection, crosswalk, or railroad grade crossing to accommodate the vehicle without obstructing the passage of other vehicles, pedestrians, or railroad trains notwithstanding any traffic-control signal indication to proceed.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1710 Following near an authorized emergency vehicle or parking near fire apparatus prohibited.

Except for a person operating an authorized emergency vehicle, the operator of a vehicle may not:

- (1) follow closer than 500 feet any authorized emergency vehicle traveling in response to an emergency; or
- (2) stop the vehicle within 500 feet of a fire apparatus which has stopped in answer to a fire alarm.

Amended by Chapter 96, 2012 General Session

41-6a-1711 Driving over firehose.

The operator of a vehicle may not drive over an unprotected hose of a fire department when laid down on a street, private road, or driveway to be used at a fire or alarm of fire, without the consent of the fire department official in command.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1712 Destructive or injurious materials on highways -- Throwing lighted material from moving vehicle -- Enforcement officers.

- (1) A person may not throw, deposit, or discard, or permit to be dropped, thrown, deposited, or discarded on any public road or highway in the state, whether under state, county, municipal, or federal ownership, any plastic container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, paper or paper products, or any other substance which would or could:
 - (a) create a safety or health hazard on the public road or highway; or
 - (b) mar or impair the scenic aspect or beauty of the public road or highway.

- (2) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, on any public road or highway any destructive, injurious, or unsightly material shall:
 - (a) immediately remove the material or cause it to be removed; and
 - (b) deposit the material in a receptacle designed to receive the material.
- (3) A person distributing commercial handbills, leaflets, or other advertising shall take whatever measures are reasonably necessary to keep the material from littering public roadways or highways.
- (4) A person removing a wrecked or damaged vehicle from a public road or highway shall remove any glass or other injurious substance dropped from the vehicle on the road or highway.
- (5) A person may not throw any lighted material from a moving vehicle.
- (6) Except as provided in Section 72-7-409, any person transporting loose cargo by truck, trailer, or other motor vehicle shall secure the cargo in a reasonable manner to prevent the cargo from littering or spilling on both public and private property or public roadways.
- (7) A law enforcement officer as defined in Section 53-13-103, within the law enforcement officer's jurisdiction:
 - (a) shall enforce the provisions of this section;
 - (b) may issue citations to a person who violates any of the provisions of this section; and
 - (c) may serve and execute all warrants, citations, and other process issued by any court in enforcing this section.
- (8) A municipality within its corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Amended by Chapter 22, 2008 General Session

41-6a-1713 Penalty for littering on a highway.

- (1) A person who violates any of the provisions of Section 41-6a-1712 is guilty of an infraction and shall be fined:
 - (a) not less than \$200 for a violation; or
 - (b) not less than \$500 for a second or subsequent violation within three years of a previous violation of this section.
- (2) The sentencing judge may require that the offender devote at least eight hours in cleaning up:
 - (a) litter caused by the offender; and
 - (b) existing litter from a safe area designated by the sentencing judge.

Amended by Chapter 412, 2015 General Session

41-6a-1714 Warning signs.

The Department of Transportation shall place adequate warning signs wherever it considers proper within the state notifying all persons using the public roads, highways, parks, or recreation areas of the provisions of Sections 41-6a-1712 and 41-6a-1713.

Renumbered and Amended by Chapter 2, 2005 General Session

41-6a-1715 Careless driving defined and prohibited.

- (1) A person operating a motor vehicle is guilty of careless driving if the person:
 - (a) commits two or more moving traffic violations under this chapter in a series of acts within a single continuous period of driving covering three miles or less in total distance; or

- (b) commits a moving traffic violation under this chapter other than a moving traffic violation under Part 6, Speed Restrictions, while being distracted by one or more activities taking place within the vehicle that are not related to the operation of a motor vehicle, including:
 - (i) searching for an item in the vehicle; or
 - (ii) attending to personal hygiene or grooming.
- (2) A violation of this section is a class C misdemeanor.
- (3) In addition to the penalty provided under this section or any other section, a judge may order the revocation of the convicted person's driver license if the violation causes or results in the death of another person in accordance with Subsection 53-3-218(6).

Amended by Chapter 416, 2014 General Session

41-6a-1716 Prohibition on using a handheld wireless communication device while operating a moving motor vehicle -- Exceptions -- Penalties.

- (1) As used in this section:
 - (a) "Handheld wireless communication device" means a handheld device used for the transfer of information without the use of electrical conductors or wires.
 - (b) "Handheld wireless communication device" includes a:
 - (i) wireless telephone;
 - (ii) text messaging device;
 - (iii) laptop; or
 - (iv) any substantially similar communication device that is readily removable from the vehicle and is used to write, send, or read text or data through manual input.
- (2) Except as provided in Subsection (3), a person may not use a handheld wireless communication device while operating a moving motor vehicle on a highway in this state to manually:
 - (a) write, send, or read a written communication, including:
 - (i) a text message;
 - (ii) an instant message; or
 - (iii) electronic mail;
 - (b) dial a phone number;
 - (c) access the Internet;
 - (d) view or record video; or
 - (e) enter data into a handheld wireless communication device.
- (3) Subsection (2) does not prohibit a person from using a handheld wireless communication device while operating a moving motor vehicle:
 - (a) when using a handheld communication device for voice communication;
 - (b) to view a global positioning or navigation device or a global positioning or navigation application;
 - (c) during a medical emergency;
 - (d) when reporting a safety hazard or requesting assistance relating to a safety hazard;
 - (e) when reporting criminal activity or requesting assistance relating to a criminal activity;
 - (f) when used by a law enforcement officer or emergency service personnel acting within the course and scope of the law enforcement officer's or emergency service personnel's employment; or
 - (g) to operate:
 - (i) hands-free or voice operated technology; or
 - (ii) a system that is physically or electronically integrated into the motor vehicle.

- (4) A person convicted of a violation of this section is guilty of a:
 - (a) class C misdemeanor with a maximum fine of \$100; or
 - (b) class B misdemeanor if the person:
 - (i) has also inflicted serious bodily injury upon another as a proximate result of using a handheld wireless communication device in violation of this section while operating a moving motor vehicle on a highway in this state; or
 - (ii) has a prior conviction under this section, that is within three years of:
 - (A) the current conviction under this section; or
 - (B) the commission of the offense upon which the current conviction is based.

Amended by Chapter 416, 2014 General Session

41-6a-1717 Smoking in a vehicle prohibited when child is present -- Penalty -- Enforcement.

- (1) As used in this section, "smoking" has the same meaning as defined in Section 26-38-2.
- (2)
 - (a) Except as provided in Subsection (2)(b), smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle.
 - (b) A person may smoke in a motor vehicle while a child who is 15 years of age or younger is a passenger in the vehicle if the person:
 - (i) is operating a convertible or open-body type motor vehicle; and
 - (ii) the roof on the convertible or open-body type motor vehicle is in the open-air mode.
- (3) A person who violates this section is guilty of an infraction and is subject to a maximum fine of \$45.
- (4) Until July 1, 2014, a peace officer may not issue a citation to an individual for a violation of this section but shall issue the individual a warning informing the individual that smoking is prohibited in a motor vehicle if a child who is 15 years of age or younger is a passenger in the vehicle.
- (5) The court may suspend the fine for a violation of this section if:
 - (a) the person has not previously been convicted of a violation of this section; and
 - (b) the person proves to the court that the person has enrolled in a smoking cessation program.
- (6) Enforcement of this section by a state or local law enforcement officer shall be only as a secondary action when the vehicle has been detained for a suspected violation by any person in the vehicle of Title 41, Motor Vehicles, other than this section, or for another offense.
- (7) A violation of this section may not be used as a basis for or evidence of child abuse or neglect.

Enacted by Chapter 251, 2013 General Session

41-6a-1718 Simulated emergency vehicle -- Definition -- Exemption -- Identification.

- (1) As used in this section:
 - (a) "Media production" means the making of a motion picture, television show, video, commercial, Internet video, or other viewable programming provided to viewers via a movie theater or transmitted through broadcast radio wave, cable, satellite, wireless, or Internet.
 - (b) " Simulated emergency vehicle" means a vehicle used:
 - (i) exclusively for media production; and
 - (ii) to simulate an authorized emergency vehicle.
- (2) If a media production entity using a simulated emergency vehicle provides reasonable advance written notice as described in Subsection (3) to the law enforcement agency having jurisdiction

of the highway being used by the simulated emergency vehicle, the simulated emergency vehicle is exempt from the restrictions of Section 41-6a-1616 while the vehicle is:

- (a) being used to simulate an authorized emergency vehicle in the media production; or
 - (b) being driven in transit between the media production location and the simulated emergency vehicle storage location if, during transit, the vehicle displays a sign prominently on each front-side door of the simulated emergency vehicle stating " Simulated Emergency Vehicle."
- (3) The written notice required in Subsection (2) shall include:
- (a) the date;
 - (b) the time;
 - (c) the designated route of travel and location of use;
 - (d) a description of the simulated emergency vehicle; and
 - (e) contact information for a person who is employed by, or has contracted with, the media production entity to whom the law enforcement agency may direct questions or concerns about the simulated emergency vehicle's use or the notice.

Amended by Chapter 206, 2016 General Session